UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,866	11/21/2003	David Paul Limont	MS#303717.01 (5221)	3063

38779   7590   10/29/2009
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EXAMINER
CHEEMA, UMAR

ART UNIT	PAPER NUMBER
2444	

NOTIFICATION DATE	DELIVERY MODE
10/29/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/20/2009*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the RCE transmitted on 09/14/2009. Claims 1-21

and 24 are pending in this action.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/14/2009 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-21 and 24 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject 1matter sought to be patented
> and the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   Claims 1-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reed et al. (hereinafter Reed) (US 2002/0095454) in view of Lemke (US

2005/0086306) further in view of Border et al. (hereinafter Border) (2002/0071436).

4.   Regarding Claims 1 and 24, Reed discloses the invention as claimed a method

to provide a sync notification to a client device comprising the steps of: receiving

notification that an event of interest has been received (see par. 0023, par. 0207; a

notification is received that meets certain criteria and therefore is of interest); in

response to receiving the notification, determining a state of the client device, said state

indicating whether or not the client device has outstanding sync notifications, said state

being determined based on a trackingGUID and a syncGUID (see par. 0032, par. 0209;

based on comparison of the values of the two identifiers, the sync determination is

made); if the state of the client device indicates that the client device has no

outstanding sync notifications prior to the receipt the received notification (see par.

0209-0210; the value of the two identifiers are compared to determine if a sync is in

order): setting trackingGUID equal to the syncGUID, wherein the syncGUID is updated

after each successful device synchronization of the client device (see par. 0209-0210;

the version value is updated as a result of successful sync); setting a timeout equal to a

current time plus a predetermined value (see par. 0209; the value of the two identifiers

are compared to determine if a sync is in order); and sending the sync notification to the

client device (see par. 0291-0292; the appropriate action (sync notification) is sent to

the client); and if the state of the client device indicates that the client device has at

least one outstanding sync notification(see par. 0209-0210; the value of the two

identifiers are compared to determine if a sync is in order): not sending the sync

notification to the client device if the current time is less than the timeout, said timeout

being used to determine the maximum time between sync notifications; and sending the

sync notification to the client device if the current time is greater than timeout (see par.

[0291]; the appropriate action of deletion or inactivation of the recipient instance and

par. [0209]; wherein the values of the two identifiers are compared to determine if a

sync is in order).

5.   Reed substantially discloses the invention as claimed above but does not

explicitly disclose wherein setting the trackingGUID equal to the syncGUID and wherein

said timeout being used to determine the maximum time between sync notification and

current time is greater than or is less than a timeout.

6.   In the same field of invention Lemke discloses wherein setting the trackingGUID

equal to the syncGUID and wherein said timeout being used to determine the maximum

time between sync notification and current time is greater than or is less than a timeout (see par. [0131]).

7.   It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Reed and Lemke for the composite bandwidth schedule to correspond to the latest possible data delivery schedule that satisfies both ID's or variables.

8.   Reed-Lemke substantially disclose the invention as claimed but does not explicitly disclose wherein said setting a timeout equal to a current time plus a predetermined value.

9.   In the same field of invention Border discloses wherein said setting a timeout equal to a current time plus a predetermined value (see par. 0239-0240; expiration time of timer indicates maximum length of time and par. 0291-0292; sync notification).

10.   It would have been obvious to one of the ordinary skill person to combine the teaching of Reed-Lemke and Border for setting timeouts to make certain other end acknowledges notifications that are sent. Motivation so doing so would have been that the method will be improved toward performing notifications synchronization.

11.   Regarding Claim 2, the combination of Reed-Lemke and Border disclose the method of claim 1 further comprising the step of sending the sync notification to the client device if the trackingGUID equals the syncGUID and the current time is greater than the timeout (see Reed: par. 0291, 0209, Border: par. 0239-0240, Lemke, par. 0131) for the same motivation as above.

12.   Regarding Claim 3, the combination of Reed-Lemke and Border disclose wherein

Border further discloses the method of claim 2 further comprising the step of setting the

timeout equal to the current time plus the predetermined value (see par. 0239-0240).

13.   Regarding Claim 4, Reed discloses the method of claim 1 further comprising the

step of receiving a device/user configuration file having at least one of the syncGUID

and the trackingGUID (see par. 0209; receives a file (communication object) with at

least one ID (version value)).

14.   Regarding Claim 5, Reed discloses the method of claim 4 further comprising the

step of reading the at least one of the syncGUID and the trackingGUID from the

device/user configuration file (see par. 0209; reading the id of the file by comparing the

value).

15.   Regarding Claim 6, the combination of Reed-Lemke and Border disclose wherein

Border further discloses the method of claim 1 wherein the predetermined value is

fifteen minutes (see par. 0236; a timer preset values ranging from minutes to hours.

The value of 15 minutes is within the range specified).

16.   Regarding Claim 7, the combination of Reed-Lemke and Border disclose wherein

Border further discloses the method of claim 1 wherein the predetermined value is in the

range of one to two hours (see par. 0236; a timer preset values ranging from minutes to

hours).

17.   Regarding Claim 8, Reed discloses the method of claim 1 wherein the step of

sending the sync notification comprises sending the sync notification using the SMTP

(simple mail transfer protocol) protocol (see par. 0023; sending the notification via email; therefore the protocol of transmission is SMTP).

18.   Regarding Claim 9, Reed discloses the method of claim 1 further comprising the step of determining if the client device has received the event of interest (see par. 0292; receiving an acknowledgement message that indicates that the client received the event of interest).

19.   Regarding Claim 10, Reed discloses the method of claim 1 wherein the step of receiving notification that an event of interest has been received comprises the step of receiving a trigger event (see par. 0291; notification is triggered as a result of an event).

20.   Regarding Claim 11, Reed discloses the invention as claimed at least one computer readable storage medium having computer executable instructions for providing a sync notification to a client device (see par. 0029, 0548), the computer executable instructions performing the steps of: receiving notification that an event of interest has been received (see par. 0023, par. 0207; a notification is received that meets certain criteria and therefore is of interest); in response to receiving the notification, determining a state of the client device, said state indicating whether or not the device has outstanding sync notifications prior to the receipt the received notification, said state being determined based on a trackingGUID and a syncGUID (see par. 0032, par. 0209; based on comparison of the values of the two identifiers, the sync determination is made); determining if a current time is less than a timeout set based on the confidence level of the network wherein the timeout indicates how long to wait to

retry sending the notification to the device; sending the sync notification to the client

device (see par. 0291; the appropriate action is sent to the client) if the state of the

client device indicates that the client device has at least one outstanding sync

notification prior to the receipt the received notification (see par. 0209; the value of the

two identifiers are compared to determine if a sync is in order) and the current time is

greater than a timeout; and not sending the sync notification to the client device if the

state of the client device indicates that the client device has at least one outstanding

sync notification prior to the receipt the received notification and the current time is less

than a timeout (see par. 0209-0210; the object is discarded or other process takes place

if the value indicates no sync is needed).

21.   Reed substantially discloses the invention as claimed above but does not

explicitly disclose wherein said timeout being used to determine the maximum time

between sync notification and current time is greater than or is less than a timeout.

22.   In the same field of invention Lemke discloses wherein said timeout being used

to determine the maximum time between sync notification and current time is greater

than or is less than a timeout (see par. [0131]).

23.   It would have been obvious to one of the ordinary skill person in the art of

networking to combine the teaching of Reed and Lemke for the composite bandwidth

schedule to correspond to the latest possible data delivery schedule that satisfies both

ID's or variables.

24.   Reed-Lemke substantially discloses the invention as claimed but does not explicitly disclose wherein said setting a timeout equal to a current time plus a predetermined value.

25.   In the same field of invention Border discloses wherein said setting a timeout equal to a current time plus a predetermined value (see par. 0239-0240; expiration time of timer indicates maximum length of time and par. 0291-0292; sync notification).

26.   It would have been obvious to one of the ordinary skill person to combine the teaching of Reed-Lemke and Border for setting timeouts to make certain other end acknowledges notifications that are sent. Motivation so doing so would have been that the method will be improved toward performing notifications synchronization.

27.   Regarding Claim 12, the combination of Reed-Lemke and Border disclose the at least one computer readable storage medium of claim 11 having further computer executable instructions for performing the steps comprising: if the trackingGUID does not equal the syncGUID: setting the trackingGUID equal to the syncGUID; setting a timeout equal to the current time plus a predetermined value; and sending the sync notification to the client device (see Reed: par. 0291, 0209, Border: par. 0239-0240, Lemke: par. 0131).

28.   Regarding Claim 13, the combination of Reed-Lemke and Border disclose wherein Lemke further discloses the at least one computer readable storage medium of claim 12 having further computer executable instructions for performing the steps comprising determining if the trackingGUID equals the syncGUID (see par. 0131).

29.   Regarding Claim 14, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 3 above).

30.   Regarding Claim 15, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 6 above).

31.   Regarding Claim 16, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 7 above).

32.   Regarding Claim 17, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 4 above).

33.   Regarding Claim 18, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 5 above).

34.   Regarding Claim 19, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 8 above).

35.   Regarding Claim 20, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 9 above).

36.   Regarding Claim 21, the claim limitations are substantially same as claimed above and therefore are rejected for the same reason (see claim 10 above).

37.   Regarding Claim 22-23, (canceled).

Conclusion

38.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-

3037. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/U. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444